

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ARBITRATION PETITION NO.142 OF 2007**

Hitesh Jaswantraï Mayani .. Petitioner.  
Versus  
Shivma Corporation & Ors. .. Respondents.

Mr.P.M.Shah for petitioner.

Mr.Amol Doijode for respondent No.4.

Mr.R.Parekh for respondent Nos.1, 2 and 5.

**CORAM : S.C.DHARMADHIKARI, J.**

**DATE : 23rd JULY, 2007.**

**P.C.:**

1. On the last occasion, the service could not be effected, according to Mr.Shah on respondent Nos.3 and 6 and, therefore, at his request and risk, the present petition was dismissed as against respondent Nos.3 and 6.

2. After hearing both sides and considering that the petitioner is interested so also ready and willing to submit all disputes and differences between parties to

this petition and the said Partnership Agreement to the Arbitrator, in my view, at this stage, without prejudice to the rights and contentions of both sides in the Arbitration, the following order would serve the ends of justice :-

"Respondent No.1-Firm so also respondent Nos.2 and 5 to give to the petitioner so also respondent No.4, all details of the bank transactions, and more particularly, with regard to Union Bank of India, Bhat Bazar Br. Mumbai - 09 and and North Kanara GSB Co.Op. Bank Ltd., Girgaum Br. and Dadar Br. within a period of 15 days from the date of receipt of copy of this order."

3. All other reliefs are open for being claimed before the Arbitrator or by way of appropriate proceedings at a subsequent stage.

4. At this stage, the interest of parties would be protected by the direction to give the aforesaid details, which of course, shall be furnished without prejudice to

the rights and contentions of both sides.

5. Dismissal of this petition as far as respondent Nos.3 and 6 are concerned, would not prevent the petitioner from seeking reliefs as against them as well, in the arbitration proceedings or at a subsequent stage from the Court also.

6. Needless to state that all claims and counter claims between parties shall form part of reference to the arbitration and none of them are being decided in any manner in this petition.

7. Petition disposed of.

(S.C.Dharmadhikari, J.)